

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
NOV 08 2016
Clerk, U.S. Courts
District Of Montana
Missoula Division

AIMEE CATHERINE
LAMOREAUX,

Plaintiff,

vs.

KALISPELL POLICE
DEPARTMENT,

Defendant.

CV 16-89-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on October 17, 2016, recommending dismissal of Plaintiff Aimee Lamoreaux's ("Lamoreaux") Complaint. The parties failed to timely object to the Findings and Recommendation, and so waived their right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendation, the Court finds no

clear error in Judge Lynch's conclusions that Lamoreaux fails to allege any facts supporting a claim under the Second Amendment or the Fourteenth Amendment. Further, it appears that Lamoreaux already has a remedy for her requested relief under Montana Code Annotated § 46-5-312.

Accordingly, there being no clear error in Judge Lynch's Findings and Recommendation, IT IS ORDERED that:

(1) Judge Lynch's Findings and Recommendation (Doc.5) are ADOPTED IN FULL.

(2) Lamoreaux's complaint is DISMISSED. This case is closed.

Dated this 8th day of November, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

Dana L. Christensen, Chief Judge
United States District Court